

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday October 14, 2019

CASE NUMBER: C15-2019-0055

☐ - Brooke Bailey OUT
☒ Y Jessica Cohen
☒ Y Ada Corral
☒ Y Melissa Hawthorne
☒ Y William Hodge
☒ Y Don Leighton-Burwell
☒ Y Rahm McDaniel
☒ Y Darryl Pruet
☒ Y Veronica Rivera
☒ Y Yasmine Smith
☒ Y Michael Von Ohlen
☒ Y Kelly Blume (Alternate)
☐ - Martha Gonzalez (Alternate)
☐ - Denisse Hudock (Alternate)

APPLICANT: David Cancialosi

OWNER: Mark Odom

ADDRESS: 2803 EDGEWATER DR

VARIANCE REQUESTED: The applicant is requesting a variance(s) from Section 25-2-551 (Lake Austin (LA) District Regulations)

1. (C) (3) (c) increase Impervious Cover from 5 percent, on a slope with a gradient of more than 25 percent and not more than 35 percent (required) to 66% (requested); 0% (existing)

2. (E) (2) to increase Impervious Cover to 29% for a driveway in order to erect a Single-Family Residential use in an "LA" zoning district.

NOTE: (for item (E) (2) The Land Development Code states on a slope with a gradient of more than 35 percent, development is prohibited except for the construction of a fence, driveway, road or utility that cannot be reasonably placed elsewhere, or a non-mechanized pedestrian facility, such as a foot path, sidewalk, or stairs.

BOARD'S DECISION: BOA meeting Oct 14, 2019 The public hearing was closed by Chair Don Leighton-Burwell, Board Member Michael Von Ohlen motions to Postpone to November 7, 2019, Board Member Melissa Hawthorne seconds on an 11-0 vote; POSTPONED TO November 7, 2019.

EXPIRATION DATE:

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Elaine Ramirez
Executive Liaison


Don Leighton-Burwell
Chairman

October 22, 2019

City of Austin
City Board of Adjustments
One Texas Center
505 Barton Springs
Austin, Texas 78704

RE: 2803 EDGEWATER DR. VARIANCE REQUEST - UPDATED

To Whom It May Concern:

The Board heard this case at it's October hearing. The applicant is requesting two impervious cover variances to allow the construction of a single-family residence and associated improvements. The lot is currently vacant and has very steep topography. It is zoned LA; however, it does not front onto Lake Austin and is well under the required size of one acre. The approximately 14,000 SF lot allows less than 200 SF of impervious coverage when the LA zoning regulations are calculated for the subject site. As mentioned before, strict application of the LA zoning regulations on this substandard lot results in a total taking of all permitted use and development of the property by the City of Austin. Such taking occurred when the LA zoning ordinance was placed on this property and when the requirements of that ordinance were used to deny a building permit to Mr. Odom. This Board is expressly tasked with the authority to grant variances when such strict application of the Code deprives the property owner of privileges that are enjoyed by another person who owns property in the area that is similarly situated with similarly timed original development.

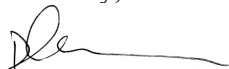
At the October hearing we heard the Board's concerns. In November's back up packet please find attached to this cover letter an updated site plan, drainage letter from an engineer, and other documents related to the proposed construction.

The homeowner has also met with some neighbors to discuss the project. Their concerns are heard, too. The impervious coverage has been reduced as a result of those discussions. To that end we hope the discussions have abated their concerns to the degree possible given the unique size, topography, and zoning-based hardships specific to this lot.

If this variance is not granted the owner has no choice but to seek damages for the regulatory taking of all use of the property. The Board of Adjustment was created to prevent precisely this kind of unintended harm to property owners.

I look forward to discussing this case with the Board at its November hearing and look forward to a positive outcome regarding our request to construct the single family project.

Sincerely,



David C. Cancialosi, Agent for Owner

Cc: Mark Odom, property owner

2803 EDGEWATER VARIANCE REVISION NOTES : Highlighted Points

DELIVERABLES : Included in this package and numbers accordingly

1. Revision Notes
2. Revised Architecture Plans, Section, Trees, Rendering, and Calculations
3. Structural Letter regarding Pier&Beam Foundation
4. Civil Drawings : stamped
5. Soils Report : Bedrock
6. Nieghbor Letters

HIGHLIGHTED NOTES: also included in drawings

1. Please include Neighbor Letters / Meeting Feedback
2. Footprint of house has decreased from 2,233SF to 1,848 SF
3. Impervious cover at 25%-35% Zone has decreased : from 66% to 59%
4. Impervious cover Over 35% Zone has decreased : from 29% to 17%
5. Detention is not required per residential code - we are proposing detention
6. Structural Engineer has provided a letter indicating that Pier and Beam is not a viable solution for this project.
7. Soil Report is provided - Bedrock below 24 inches.
8. Pool length has been decreased. Pool elevation has also been dropped in consideration to cut and fill
9. Cut and Fill minimized and balanced per section.
10. Surveyed Trees are in drawings indicating trees to remain and trees to be removed.
11. Retaining walls are limited to 4 feet per code
12. Foundation retaining walls are allowed to rise above 4 feet per code.
13. Civil Drawings - are present indicating drainage strategy and zero impact to adjacent neighbors. Run-Off to the street is minimized to less than a water-sprinkler. Existing conditions have been improved with our drainage plan.
13. Civil - The proposal for the construction of a home on this lot is to exceed current practice and construct a landscape wall which will serve as a “detention” wall to slow any increase in the peak run-off caused by the impervious cover. As shown in the computations, the computed release from the proposed “pond” will be the same or less than that which exists. Release from this “pond” is expected to spread and pass down the roadway as currently exists but also thick landscape edging will be included on the downslope side of the wall to further the discharge mimicking the existing condition.
14. Civil - The construction of a planned home on this lot was computed to increase the peak discharge to Edgewater by only 0.2 to 0.3 cfs in the 500-year condition (3 to 5 percent, or arguably the equivalent of 3 or 4 lawn sprinkler zones going off at the same time).

PROJECT INFORMATION

PROJECT NAME: EDGEWATER RESIDENCE
LOCATION: 2803 EDGEWATER DRIVE, AUSTIN, TX 78733
ZONING: LA
LEGAL DESCRIPTION: LOT 8, BLOCK 1, AUSTIN LAKE ESTATES, SECTION TWO, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 9, PAGE 82, TRAVIS COUNTY PLAT RECORDS.

LA
LOT 8, BLOCK 1, AUSTIN LAKE ESTATES, SECTION TWO, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN BOOK 9, PAGE 82, TRAVIS COUNTY PLAT RECORDS.

AREA BREAKDOWN (SF)

	PREVIOUS	REVISED
1ST LEVEL	1,588	1,556
2nd LEVEL	1,506	1,458
BALCONY	144	147
GARAGE	480	0
TOTAL BUILDING AREA	3,718	3,161
BUILDING COVER	2,233	1,848
DRIVEWAY	1,513	1,209
UNCOVERED DECK	569	429
OTHER	387	469
TOTAL IMPERVIOUS COV.	5,469	3,955
LOT SIZE	13,935	13,935
TOTAL IMPER. COV. %	39%	28%

EXISTING TREE LIST

TO REMAIN	TO BE REMOVED
#42 HACKBERRY	#39 HACKBERRY
#45 LIVE OAK	#41 HACKBERRY
#46 CREPE MYRTLE	#50 ELM
#49 ELM	#52 ELM
#59 ELM	#53 ELM
#65 ELM	#54 ELM
#66 ELM	#55 HACKBERRY
#67 ELM	#56 ELM
#68 ELM	#60 ELM
#69 ELM	#61 ELM
#70 ELM	#62 ELM
#79 HACKBERRY	#63 ELM
#80 SHUMARD OAK	#64 ELM
#81 CREPE MYRTLE	TOTAL INCHES
#82 ELM	151
#83 ELM	
#137 ELM	
#141 ELM	
TOTAL INCHES	206

TOTAL EXISTING TREES	357"
TOTAL EXISTING TREES TO BE REMOVED	151"
TOTAL EXISTING TREES TO REMAIN	206"

PREVIOUS IMPERVIOUS COVER TABULATIONS BOA HEARING 10/14/19

SLOPE GRADE	SF PER ZONE	ALLOWABLE % PER ZONE	PROPOSED % PER ZONE	ALLOWABLE SF PER ZONE	PROPOSED SF PER ZONE
0-15%	-	35%	-	-	-
15-25%	-	10%	-	-	-
25-35%	3,892 SF	5%	66 %	196 SF	2,592 SF
OVER 35%	10,043 SF	0%	29 %	0 SF	2,877 SF
			TOTAL	196 SF	5,469 SF

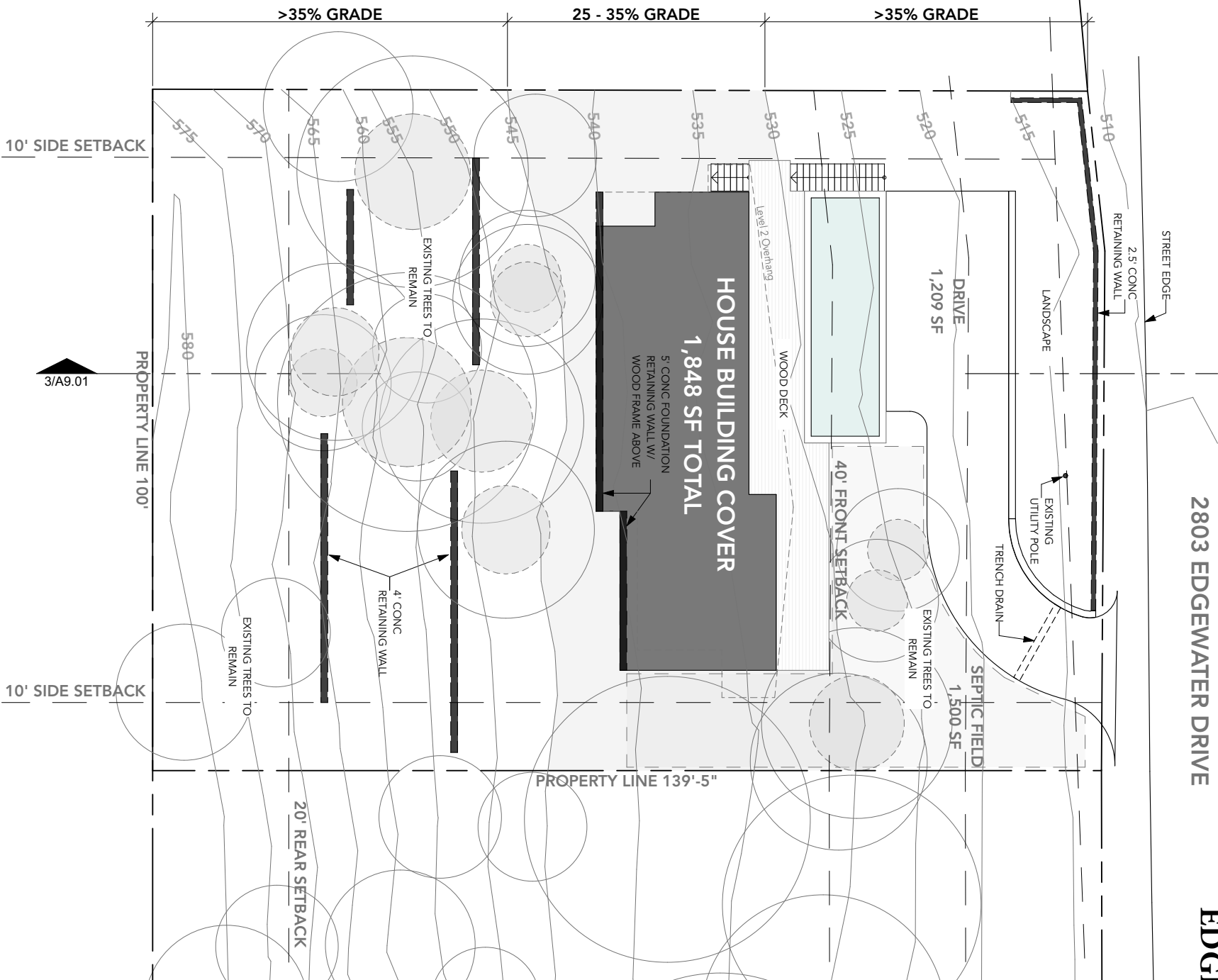
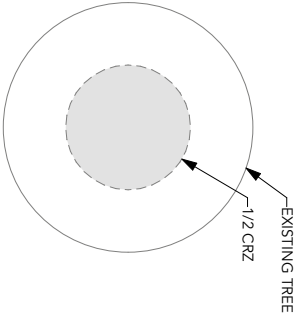
REVISED IMPERVIOUS COVER TABULATIONS BOA HEARING 11/07/19

SLOPE GRADE	SF PER ZONE	ALLOWABLE % PER ZONE	PROPOSED % PER ZONE	ALLOWABLE SF PER ZONE	PROPOSED SF PER ZONE
0-15%	-	35%	-	-	-
15-25%	-	10%	-	-	-
25-35%	3,892 SF	5%	59 %	196 SF	2,279 SF
OVER 35%	10,043 SF	0%	17 %	0 SF	1,676 SF
			TOTAL	196 SF	3,811 SF

2803 EDGEWATER DRIVE

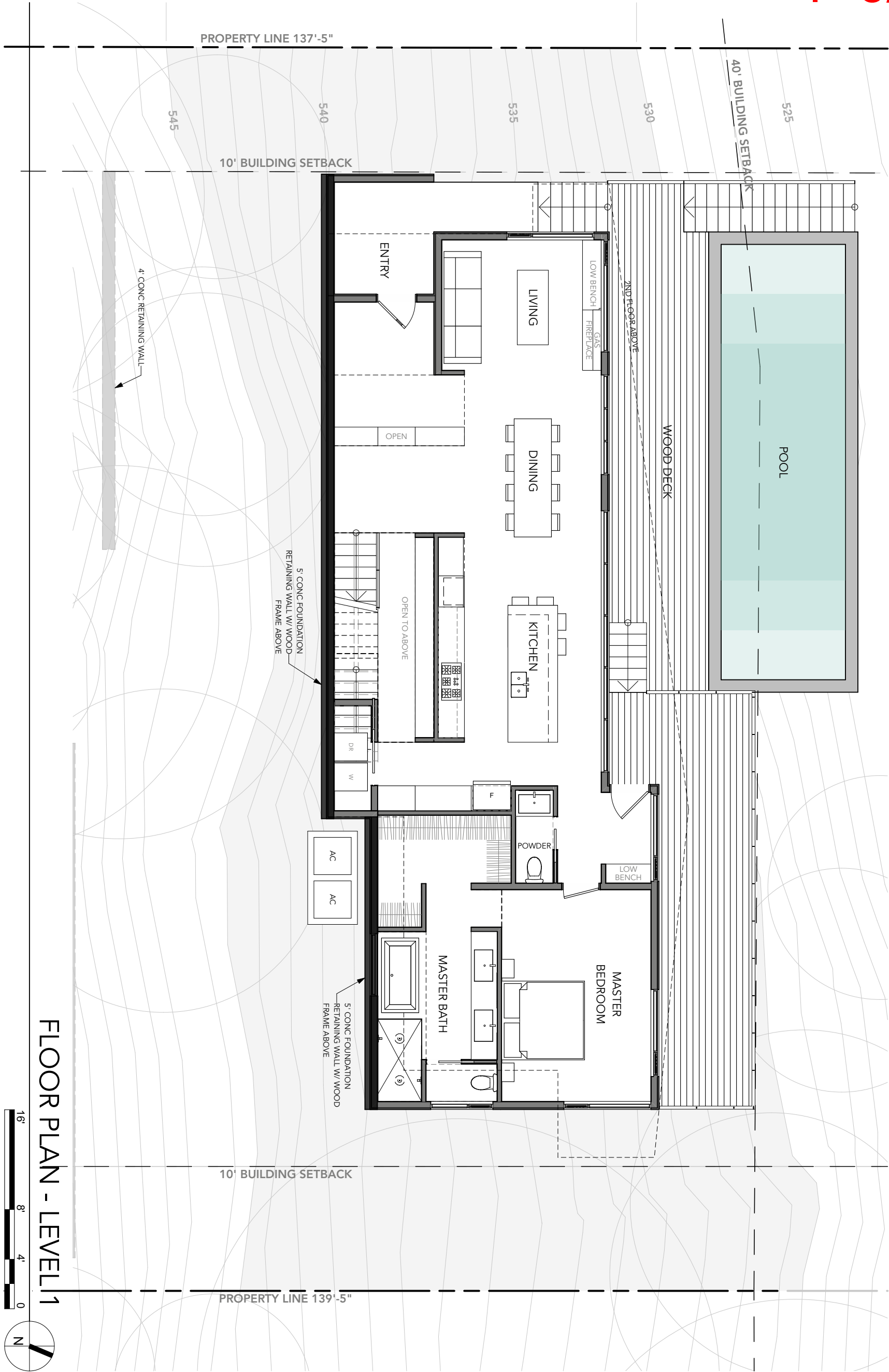
EDGEWATER VARIANCE

191023

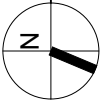


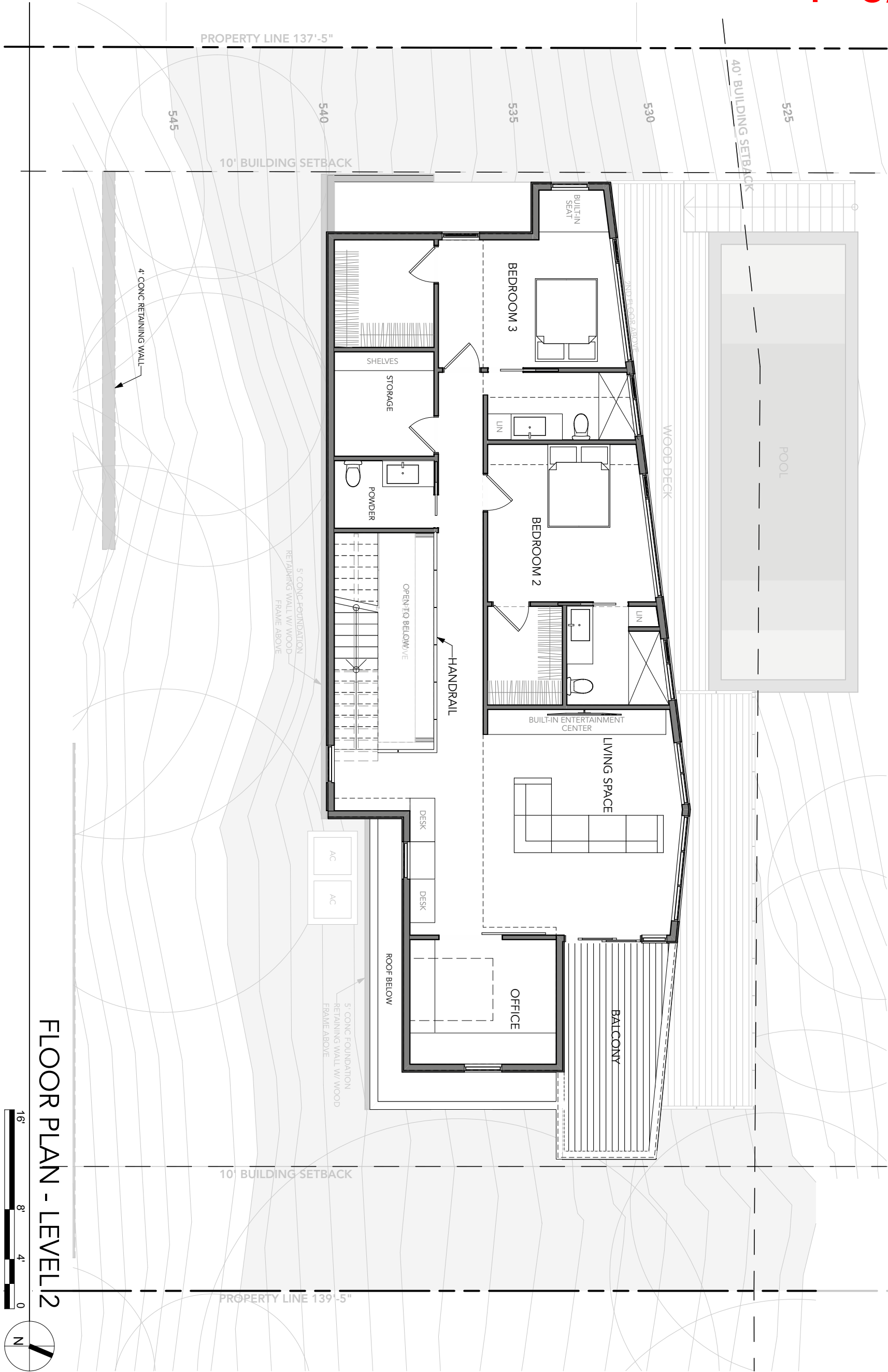
SITE PLAN @ STREET LEVEL



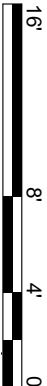


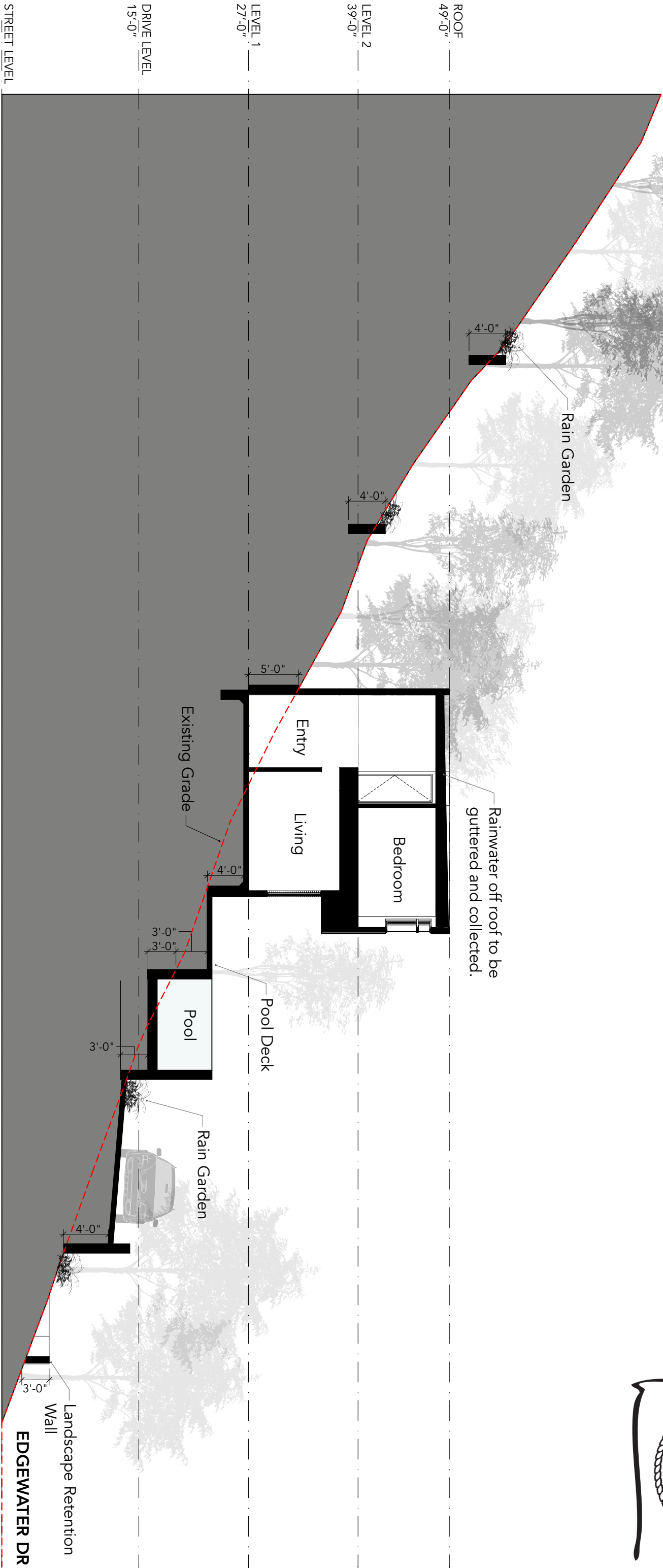
FLOOR PLAN - LEVEL 1





FLOOR PLAN - LEVEL 2





SITE SECTION @ HOUSE






OWNER:
WILLIAM M. WESTFIELD

ADDRESS:
2803 & 2805 EDGEWATER DRIVE
AUSTIN, TEXAS 78733

LEGEND

RECORD CALL	()
BUILDING SETBACK LINE	B.L.
PUBLIC UTILITY EASEMENT	P.U.E.
FOUND IRON ROD	FIR
UTILITY POLE/GUY ANCHOR	
UTILITY LINE	— P — P — P —

TREE NOTE: THE TREE CIRCLES SHOWN HEREON HAVE ONE (1) FOOT RADIUS DRAWN FOR EVERY ONE (1) INCH OF MEASURED TRUNK DIAMETER. GENERALLY, TRUNK DIAMETER IS MEASURED AT A DISTANCE OF 4 FEET ABOVE GROUND LEVEL. MULTI-TRUNK TREES ARE DISPLAYED USING THE FOLLOWING FORMULA: SUM OF THE LARGEST TRUNK + 1/2 OF THE SUM OF SMALLER TRUNKS.

LEGAL DESCRIPTION:
LOTS 7 & 8, BLOCK 1, OF AUSTIN LAKE ESTATES,
SECTION 2, A SUBDIVISION IN TRAVIS COUNTY, TEXAS,
ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
IN VOLUME 9, PAGE 82, PLAT RECORDS OF TRAVIS
COUNTY, TEXAS.

LOT 7
0.3205 ACRES
13961 SQ.FT.

LOT 8
0.3197 ACRES
13927 SQ.FT.

TREE, DRIPLINE & NUMBER

TREE LIST:
#. TYPE. SIZE

TREE LIST: cont.
 #. TYPE. SIZE

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 3 5 6 Conditions II Survey.

And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48453C0430J, Zone: X 0.2% ANNUAL CHANCE OF FLOOD HAZARD, Dated: 1/6/2016.

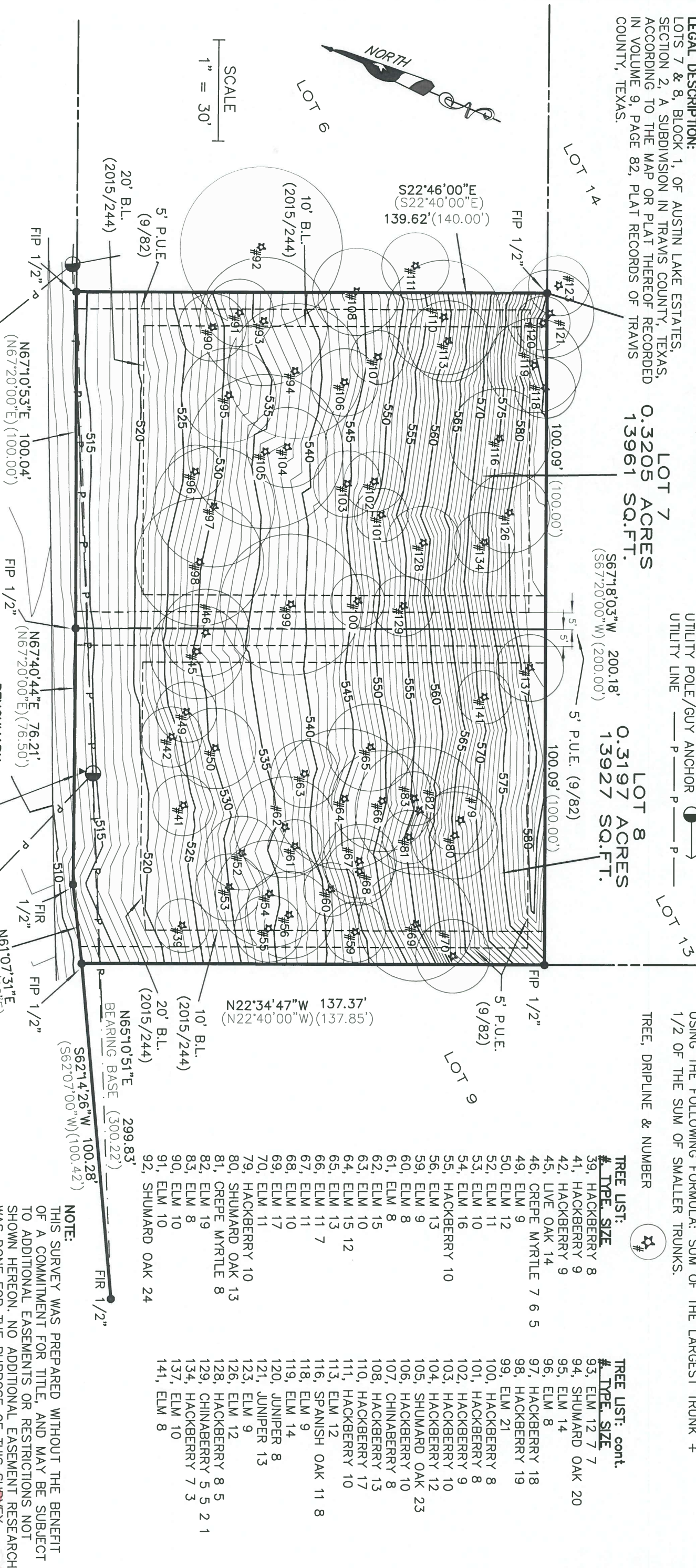
Dated this the 9th day of APRIL, 2019.
Easements & Setbacks added this the 6th day of MAY, 2019.

P.O. Box 160176, Austin, Texas 78716-0176 Phone: 481-9602

Thomas P. Dixon R.P.L.S. 4324

FIRM #10124400

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October 21, 2019

Mark Odom Studio
1009 West 6th Street, #50
Austin, Texas 78703

Subject: Preference for foundation type
Odom Residence at 2803 Edgewater Drive, Austin, Texas
Job Number: 19156

Dear Mr. Odom:

At your request, I reviewed the site plan to offer my preference on foundation type. The geotechnical report is not yet available, but assuming shallow bedrock and given the steep topography, I prefer a slab-on-ground foundation over a pier-and-beam for the following reasons.

- Surface drainage around the house wherever possible is better than directing the water under the house. Compared to pipes or culvert under the house, surface drainage around the house is more reliable and easier to maintain with less risk of impacting the structure.
- Backfill to achieve proper drainage is easier against a slab-on-ground grade beam. A pier-and-beam requires clearances for the crawlspace and vent openings that can create challenges for retaining the backfill on the uphill side.
- A pier-and-beam would require additional excavation to achieve the necessary clearances.

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Duffy'.

Dennis Duffy, P.E.



September 15, 2019

Dear Neighbor,

We are Mark and Holly Odom, new owners of Lot 8 with address 2803 Edgewater Drive in Lake Austin Estates neighborhood. We currently live at 2121 Saratoga Drive and have been residents in this neighborhood since 2011. We have also been active members of the Community Lake Park since 2011 and Mark has been a board member for the last two years. We have two children, ages 10 and 6.

It has been our dream to live closer to the lake and build a new house for our family. Mark is a licensed Architect and has a design firm, Mark Odom Studio.

We are writing to ask for your consideration and help as we are seeking a variance to the City of Austin Board of Adjustments regarding code Section 25-2-551 LAKE AUSTIN (LA) DISTRICT. The lots mentioned are currently unbuildable due City of Austin Zoning (LA) with its limitations of Impervious Square Footage (manmade surface that doesn't absorb water). Per zoning code, the lot currently allows for .014 % (196 sf) of impervious square footage and our variance request would allow between 38% & 43% impervious square feet total. Our goal is to build an estimated 2500-3000 sf house and use the rest for driveway, deck, walkway and pool. We could not build a larger house because there would not be enough impervious cover for critical items like walkways, deck etc. We have a track record of building site-specific and neighborhood considerate work (our renovation and addition of a studio above the garage at our current home is one example).

We are currently needing signatures by October 10, 2019 to make our appointment deadline. Our hearing with the City of Austin will be in October 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return via email. If you receive this and live in the neighborhood we would also be happy to pick it up — or you may drop it off in our mail-box at the address below.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

Please sign below to declare your support for the variance being requested:

2906 Edgewater Drive, 78733
Owner Address

TIM HORTRIGAN
Owner Name

[Signature]
Owner Signature

We are currently needing signatures by October 10, 2019 to make our appointment deadline. Our hearing with the City of Austin will be in October 2019 in front of the Board Of Adjustments.

We would be most grateful if you would sign below and return via email. If you receive this and live in the neighborhood we would also be happy to pick it up — or you may drop it off in our mail-box at the address below.

We are happy to answer any questions you may have. Thank you for your time and consideration,

Mark and Holly Odom
2121 Saratoga Drive,
Austin, TX 78733

Mark phone : 512-563-6373

Mark email : [REDACTED]

Holly phone : 512-669-3003

Holly email : [REDACTED]

Please sign below to declare your support for the variance being requested:

2901 EDgewater DR, AUSTIN, TX 78733
Owner Address

William M. Westfield
Owner Name

William Westfield
Owner Signature